

Serial Number 10/015,365
Attorney Docket No. IMPLEX-18/ZM0718

REMARKS

1. Claims 1, 3, 5-7, 9-13, 15-17, 19-21, 23, 25-27, 29-33, 35-37 and 39-46 are pending and stand rejected. This communication amends claims 1, 11, 21, 31, 45 and 46.

Reconsideration of this application is respectfully requested.

2. Claims 1-3, 10-13, 20, 21, 23, 30-33, 40, 41, 45 and 46 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,436,101 to Hamada.

In response, claims 1, 11, 21 and 31 have been amended to recite "the first plurality of teeth all disposed in a first plane...the second plurality of teeth all disposed in a second plane...a body thickness measured between the first and second planes that continuously decreases from the anterior end to the posterior end."

Further, claims 45 and 46 have been amended to recite "the first plurality of teeth all disposed in a first plane...the second plurality of teeth all disposed in a second plane; and the body having a thickness measured between the first and second planes, the thickness continuously decreasing from an anterior-most pair of the first and second plurality of teeth to a posterior-most pair of the first and second plurality of teeth."

In contrast, Hamada discloses a rasp in FIG. 44 having a body thickness measured between first and second convex rasp surfaces 507 and 521. In further contrast, the body thickness measured between the first and second convex rasp surfaces 507 and 521 continuously increases to a maximum or near maximum thickness LLL and then continuously decreases. Thus, Hamada does not disclose, teach or suggest the subject matter recited in claims 1, 11, 21, 31, 45 and 46. Accordingly, claims 1, 11, 21, 31, 45 and 46 are allowable over Hamada.

Serial Number 10/015,365
Attorney Docket No. IMPLEX-18/ZM0718

Dependent claims 3, 10, 41; 12, 13, 20; 23, 30; and 32, 33, 40, depend directly or indirectly from respective amended independent claims 1, 11, 21, 31 which are allowable over Hamada. For at least this reason, these claims are also allowable over Hamada.

In view of the foregoing, withdrawal of this rejection is respectfully requested.

3. Claims 9, 19, 29 and 39 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Hamada.

Claims 9, 19, 29 and 39 depend directly or indirectly from respective claims 1, 11, 21, 31 and therefore require the above-described features, which are not disclosed, taught or suggested by Hamada. Accordingly, withdrawal of this rejection is respectfully requested.

4. Claims 5-7, 15-17, 25-27, 35-37 and 42-44 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Hamada in view of U.S. Patent No. 5,432,365 to Waldman.

Claims 5-7; 15-17, 42; 25-27, 43 and 35-37, 44 depend directly or indirectly from respective claims 1, 11, 21, 31 and therefore require the above-described features, which are not disclosed, taught or suggested by Hamada in view of Waldman. Accordingly, withdrawal of this rejection is respectfully requested.

5. Favorable reconsideration of this application is respectfully requested as it is believed that all outstanding issues have been addressed herein and, further, that claims 1, 3, 5-7, 9-13, 15-17, 19-21, 23, 25-27, 29-33, 35-37 and 39-46 are in condition for allowance, early notification of which is earnestly solicited. Should there be any questions or matters whose resolution may be advanced by a telephone call, the examiner is cordially invited to contact

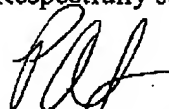
Serial Number 10/015,365

Attorney Docket No. IMPLEX-18/ZM0718

applicants' undersigned attorney at his number listed below.

6. The Commissioner is hereby authorized to charge payment of any additional filing fees required under 37 CFR 1.16 and any patent application processing fees under 37 CFR 1.17, which are associated with this communication, or credit any overpayment to Deposit Account No. 50-2061.

Respectfully submitted,



Paul A. Schwarz
Reg. No. 37,577

Duane Morris LLP
P.O. Box 5203
Princeton, NJ 08543-5203
(609) 631-2446 (phone)
(609) 631-2401 (fax)